

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.24675 of 2015

Date:04.11.2015

Between:

Channaboina Subash,
S/o Sathyanarayana

..... Petitioner

And:

The State of Telangana, repled., by its
Principal Secretary, Municipal Administration
& Urban Development Department,
Hyderabad and three others.

.....Respondents

Counsel for the Petitioner: Mr. T.Ramulu

Counsel for Respondent No.1: GP for Municipal
Administration (TN)

Counsel for Respondent Nos.2 & 3: Mr. Chatla Madhu

Counsel for Respondent No.4: Mr. Mumtaz Ahmed Syed

The Court made the following:

ORDER:

This Writ Petition is filed by the petitioner, who claims to be the co-owner of the property bearing Municipal House No.30-152, Plot No.34/A, admeasuring 369 square yards in Survey No.151 of Nandanagar, IDPL Colony, Ranga Reddy District, with the grievance that despite illegal construction being carried on by respondent No.4, respondent Nos.2 and 3 have not initiated any action.

On behalf of respondent Nos.2 and 3, a counter-affidavit has been filed, wherein it is *inter alia* stated that after the filing of this Writ Petition, the respondents have enquired into the unauthorised and illegal construction made by respondent No.4 and issued notice, dated 31.8.2015, under Sections-452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'); that despite service of the said notice, respondent No.4 has not submitted any sufficient cause or explanation; and that thereafter, an order was passed on 23.9.2015 under Section 452(2) of the Act. Respondent No.3 has further stated that he has initiated further action for removal of the illegal and unauthorised structures raised by respondent No.4.

In his counter-affidavit, respondent No.4 has accepted that he is not the owner of the property and that his daughter-in-law has purchased 64 square yards of the property from the mother of the petitioner under a notarised sale agreement, dated 25.6.2015 and that therefore, the Writ Petition filed without impleading her suffers from non-joinder of necessary and proper parties.

Though respondent No.4 claimed that her daughter-in-law is the owner of the property, the latter has not filed an application for impleading her, which itself shows that she is not interested in contesting this Writ Petition.

Since respondent No.3 has sensitized himself after the filing of the Writ Petition by issuing a notice under Sections-452(1) and 461(1) of the Act and passing an order under Section-452(2) of the Act, the grievance of the petitioner is partly redressed. However, respondent No.3 is directed to take further action under the

provisions of the Act within one month from the date of receipt of a copy of this order, failing which, the petitioner shall be free to avail a fresh remedy.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.32025 of 2015 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*04th November, 2015
DR*